

AGENDA

SPECIAL MEETING BOARD OF MAYOR AND ALDERMEN (ROAD HEARING)

December 19, 2005

5:30 PM
Aldermanic Chambers
City Hall (3rd Floor)

1. Mayor Baines calls the meeting to order.
2. Mayor Baines calls for the Pledge of Allegiance.

A moment of silent prayer is observed.
3. The Clerk calls the roll.
4. Mayor Baines advises that the purpose of the road hearing is to hear those wishing to speak in favor of or in opposition to proposed street discontinuance petitions, followed by viewing the area of the petitions and determination of the action to be taken on such petitions. Such petitions shall be addressed at which time the Public Works Director shall be requested to make a presentation following which those wishing to speak in favor will be heard, followed by those wishing to speak in opposition. Anyone wishing to speak must first step to the nearest microphone when recognized and state his/her name and address in a clear, loud voice for the record. Each person will be given only one opportunity speak and any questions must be directed to the Chair.

A. *Petition to discontinue a portion of Spruce South Back Street*

Mayor Baines requests that Frank Thomas, Public Works Director, make a presentation.

Mayor Baines calls for those wishing to speak in favor.

Mayor Baines calls for those wishing to speak in opposition.

B. *Petition to discontinue a portion of Union East Back Street*

Mayor Baines requests that Frank Thomas, Public Works Director, make a presentation.

Mayor Baines calls for those wishing to speak in favor.

Mayor Baines calls for those wishing to speak in opposition.

5. Mayor Baines advises that a motion is in order to recess the hearing and proceed to view the areas of petitions presented.
6. Mayor Baines calls the meeting back to order at the site of the first petition.

Item 4A *Petition to discontinue a portion of Spruce South Back Street*
Ladies and Gentlemen, what is your pleasure?

7. Mayor Baines calls the meeting back to order at the side of the second petition.

Item 4B *Petition to discontinue a portion of Union East Back Street*
Ladies and Gentlemen, what is your pleasure?

8. Mayor Baines advises that this being a special meeting of the Board, no further business shall be presented and a motion to adjourn would be in order.

4A+13

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Community Improvement respectfully recommends, after due and careful consideration, that a petition for the discontinuance of a portion of Union East Back Street and a petition for the discontinuance of a portion of Spruce South Back Street be referred to a road hearing to be scheduled by the City Clerk.

(Unanimous vote)

Respectfully submitted,

A. R. Bernier

Clerk of Committee

Meeting of the Board of Mayor and Aldermen
held 10/18/05 on a motion of Ald. DeVries
only seconded by Ald. Roy the report
of the Committee was accepted and its recommendations
(adopted) ~~(denied)~~

[Signature]

City Clerk
[Signature]

4a

HALLFENCE

SEPTEMBER 21, 2005

TO WHOM IT MAY CONCERN :

AS OWNERS OF THE PROPERTY LOCATED AT 423-425 HALL ST.
WE ARE ASKING FOR A DIVISION OF THE DISCONTINUED ALLEY
SITUATED BETWEEN OUR PROPERTY AND THAT OF 393 SPRUCE ST.

THE REASON WE ARE ASKING FOR THIS AT THIS TIME IS THAT
IN THE TIME WE HAVE OWNED THIS PROPERTY (GOING ON 6 YEARS)
THE PROPERTY ON 393-395 SPRUCE ST. HAS BEEN SOLD TWICE IN
IN THE LAST TWO YEARS. THE AREA IN QUESTION HAD NOT BEEN
AN ISSUE AND HAD BEEN GRASS AND BUSHES.

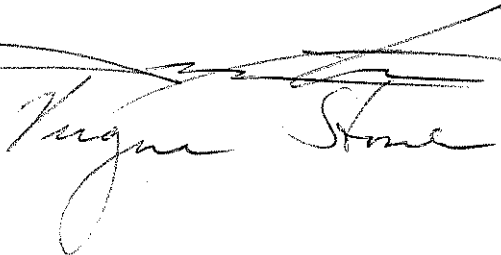
HOWEVER, THE NEW OWNER OF 393-395 SPRUCE ST. HAS PARKED
VEHICLES AGAINST THE BUILDING (425 HALL).

THERE ARE PROPANE TANKS ON THE SIDE OF OUR BUILDING USED FOR
HEATING. THE OWNER OF 393-395 SPRUCE ST. HAS IN FACT PILED
SO MUCH DEBRI AND PARKED SO MANY CARS IN THIS AREA THAT OUR
FUEL COMPANY WAS UNABLE TO DELIVER. I HAD TO ASK HIM TO MOVE
THINGS OUT OF THE WAY AND HE RECOMMENED THAT I FIND A NEW
HEATING COMPANY.

NEEDLESS TO SAY WE ARE CONCERNED WHAT THE WINTER WILL BRING
WE ARE ASKING TO PUT IN A FENCE ALONG THE LINE AS SURVEYED BY
DUVAL SURVEY. THE FENCE IS THE ONLY WAY THAT WE CAN FORSEE
PREVENTING ANY FURTHER COMPLICATIONS BEFORE FREEZING WEATHER
ENCASES EVERYTHING .

THANK YOU FOR YOUR TIME.

DONNA STONE
VIRGINIA STONE

A handwritten signature in cursive script, appearing to read "Virginia Stone", written over a horizontal line.

City of Manchester,
NH

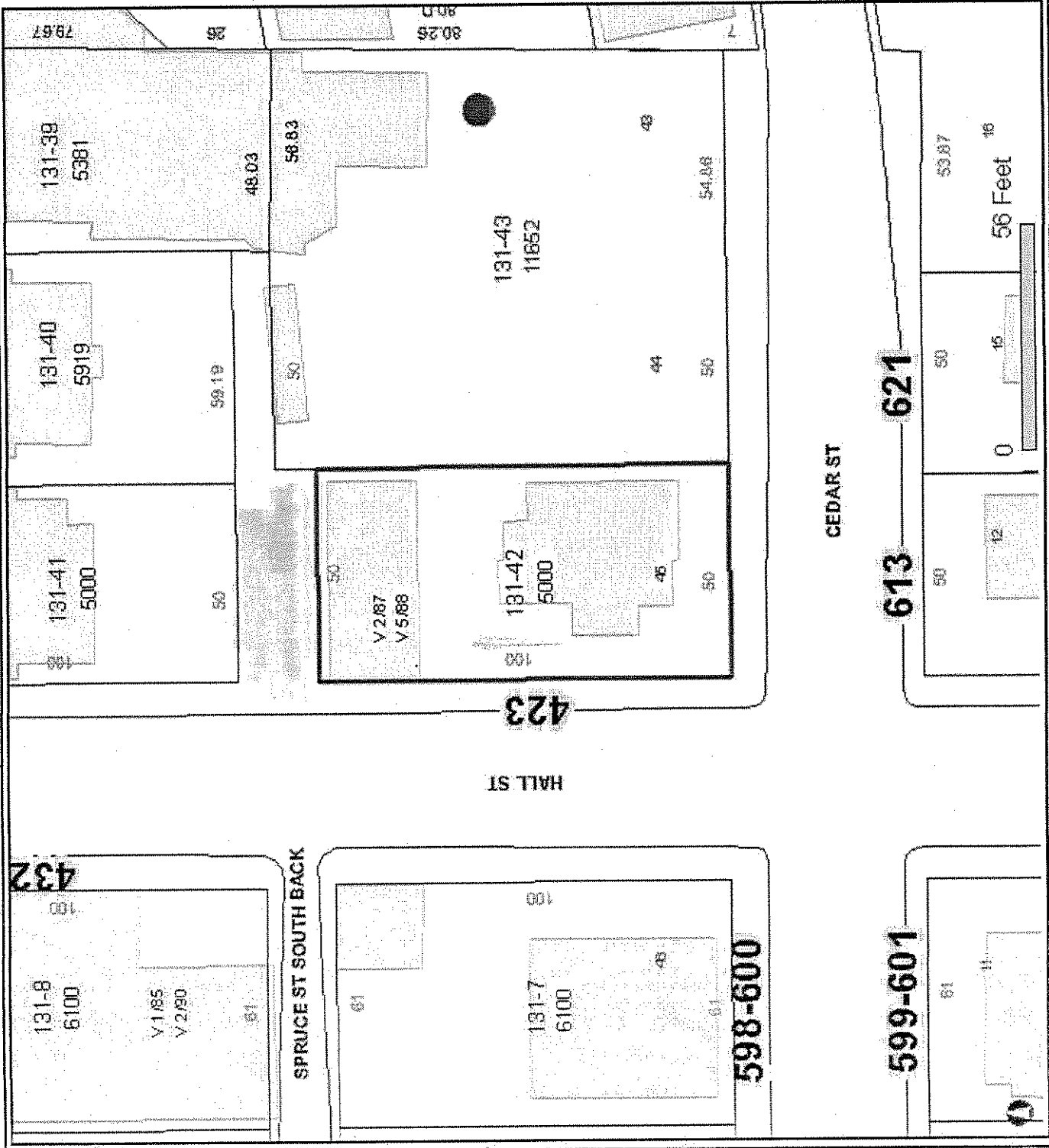
Geographic Information System

423 HALL ST
131-42

Locus Map

X

Disclaimer
The City of Manchester makes no warranty as to the accuracy, reliability, or completeness of the information and is not responsible for any errors or omissions or for results obtained from the use of the information.



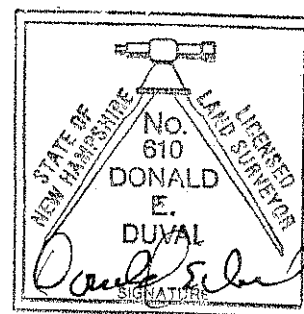
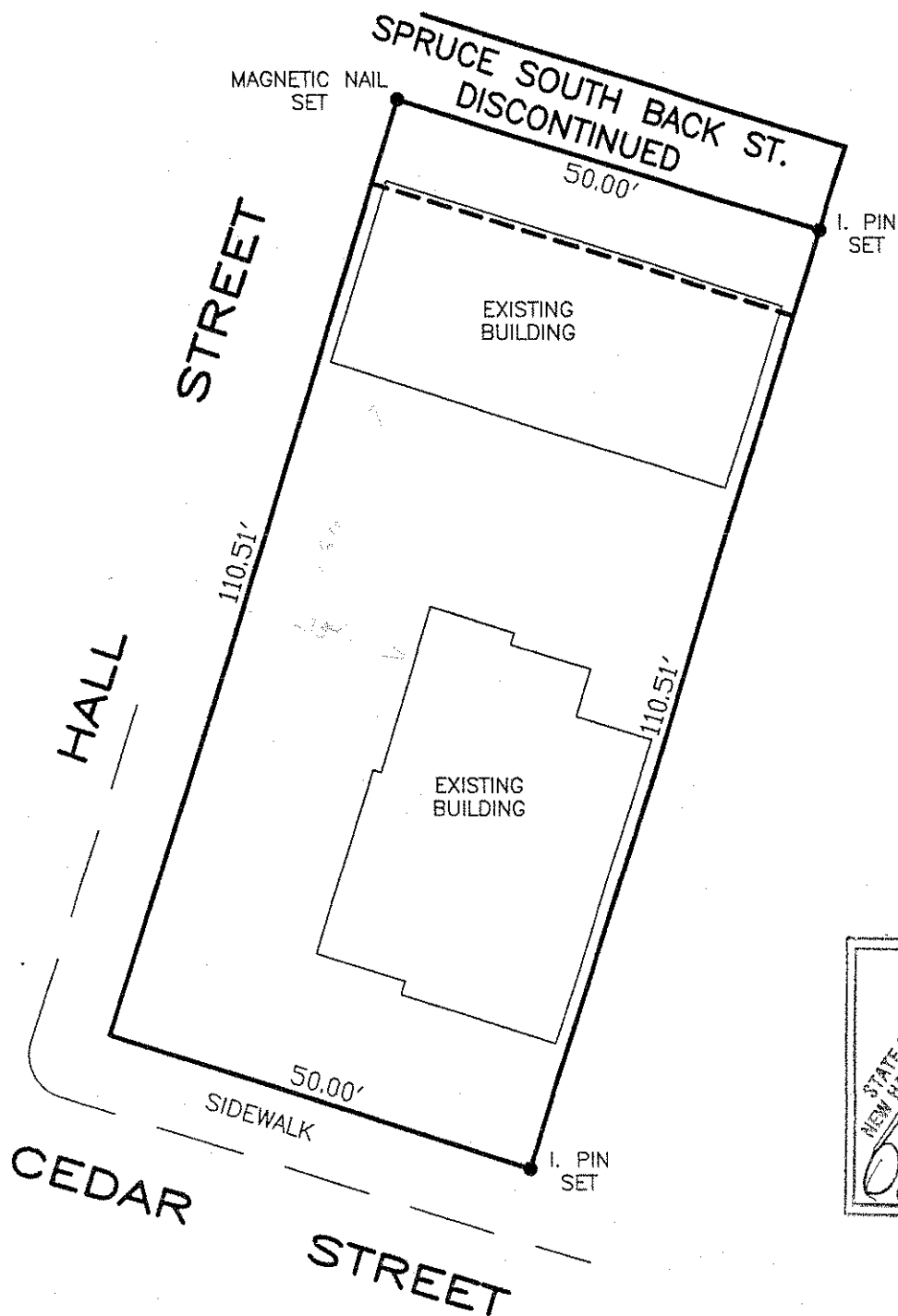
4A

DUVAL SURVEY, INC.

LAND SURVEYOR

14 DARTMOUTH STREET
HOOKSETT, N.H. 03106

(603) 668-2125



"I HEREBY CERTIFY THAT THE FOUNDATION SHOWN
ON THIS PLAN IS LOCATED AS INDICATED WITH
RESPECT TO THE PROPERTY LINES AS SHOWN."

Donald E. Duval

9/16/05

PLOT PLAN
DONNA STONE
425 HALL STREET
MANCHESTER, NH
1"=20' 9/16/2005
JN 4040

4A

0025225

2000 MAY -9 AM 8:12

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that Al Lindquist, Trustee of 33 Front Realty Trust, 1028 Hanover Street, Manchester, New Hampshire 03104, for consideration paid, grants to Donna Stone and Virginia Stone, Single Persons, as JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP, 503 Hanover Street, Manchester, New Hampshire 03104, with WARRANTY COVENANTS, the following described premises:

A certain tract or parcel of land with the buildings thereon, situate at 423 Hall Street, in Manchester, Hillsborough County, New Hampshire, more particularly bounded and described as follows:

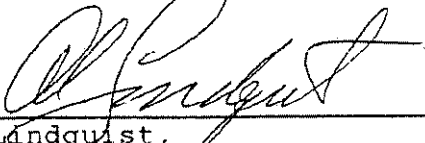
Beginning at the intersection of the easterly line of Hall Street with the northerly line of Cedar Street, as shown on a plan of lots of the Elliot Manufacturing Company, dated December 3, 1892, filed in the Hillsborough County Registry of Deeds and numbered 64; thence easterly by said Cedar Street, fifty (50) feet to Lot #2 in Block 19 as shown on said Plan; thence northerly by said Lot #2 one hundred (100) feet to a passageway twenty (20) feet wide; thence westerly by said passageway fifty (50) feet to said Hall Street; thence southerly by said Hall Street, one hundred (100) feet to the point of beginning.

Containing five thousand (5,000) square feet, more or less, and being known as Lot #1 in Block 19 as shown on said Plan.

MEANING AND INTENDING to describe and convey all the same premises as conveyed to 33 Front Realty Trust Deed of Nickal Realty Investments, dated April 1, 1998 and recorded in the Hillsborough County Registry of Deeds at Book 5926, Page 0789. Corrective Deed from Nickal Realty Investments Inc. to Al Lindquist, Trustee of 33 Front Realty Trust to be recorded herewith.

Said premises are not subject to Homestead or marital rights.


Witness my Hand This 8th day of May, 2000


Al Lindquist,
Trustee, 33 Front Realty Trust

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

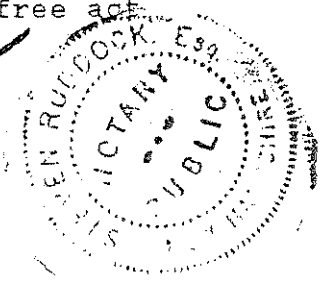
On this the 8th day of May, 2000 personally appeared the above named Al Lindquist, and acknowledged the foregoing to be his free act and deed on behalf of the Trust.

STATE OF NEW HAMPSHIRE

DEPARTMENT OF REVENUE ADMINISTRATION		REAL ESTATE TRANSFER TAX
****1 THOUSAND 5 HUNDRED AND 00 DOLLARS		
05/09/2000 431287		\$ ****1500.00

Notary Public/Justice of the Peace

STEVEN B. RUDDOCK, Notary Public
My Commission Expires February 9, 2006



BK6238PG0432



**City of Manchester
Department of Highways**

227 Maple Street
Manchester, New Hampshire 03103-5596
(603) 624-6444 Fax # (603) 624-6487

Commission

Edward J. Beleski
- Chairman
Henry R. Bourgeois
William F. Kelley
Michael W. Lowry
William A. Varkas

Frank C. Thomas, P.E.
Public Works Director

Kevin A. Sheppard, P.E.
Deputy Public Works Director

September 27, 2005

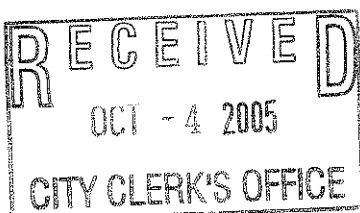
Community Improvement Committee of the Board of Mayor and Aldermen
c/o Leo R. Bernier, City Clerk
One City Hall Plaza
Manchester, New Hampshire 03101

RE: PETITION TO DISCONTINUE A PORTION OF SPRUCE SOUTH BACK STREET

Dear Committee:

We have reviewed the referenced item and have found the following:

- Spruce South Back Street was dedicated by a subdivision plan entitled "Plan of Lots of the Elliott Manufacturing Company" by Joseph Sawyer dated December 3, 1892.
- There are no acceptances or return of layout for Spruce South Back Street in the records of the City Clerk.
- This portion of Spruce South Back Street does not appear to have been opened or built for public travel.
- Since the dedication of this street is before 1893, it would need to be released and discharged by the Board of Mayor and Aldermen.
- The Board of Mayor and Aldermen on December 31, 1925 released and discharged the portion of this street that lies east of this site. That action is recorded at the City Clerk's Office at Book 10 Page 50.
- No evidence of any City utilities were observed on a site visit nor shown on the GIS system.



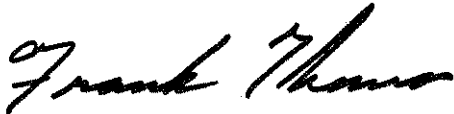
September 28, 2005

4A

The Highway Department supports this petition. As can be seen in the attached photograph the street is of no public benefit.

It is our understanding that the release and discharge action does not require a view by the Committee.

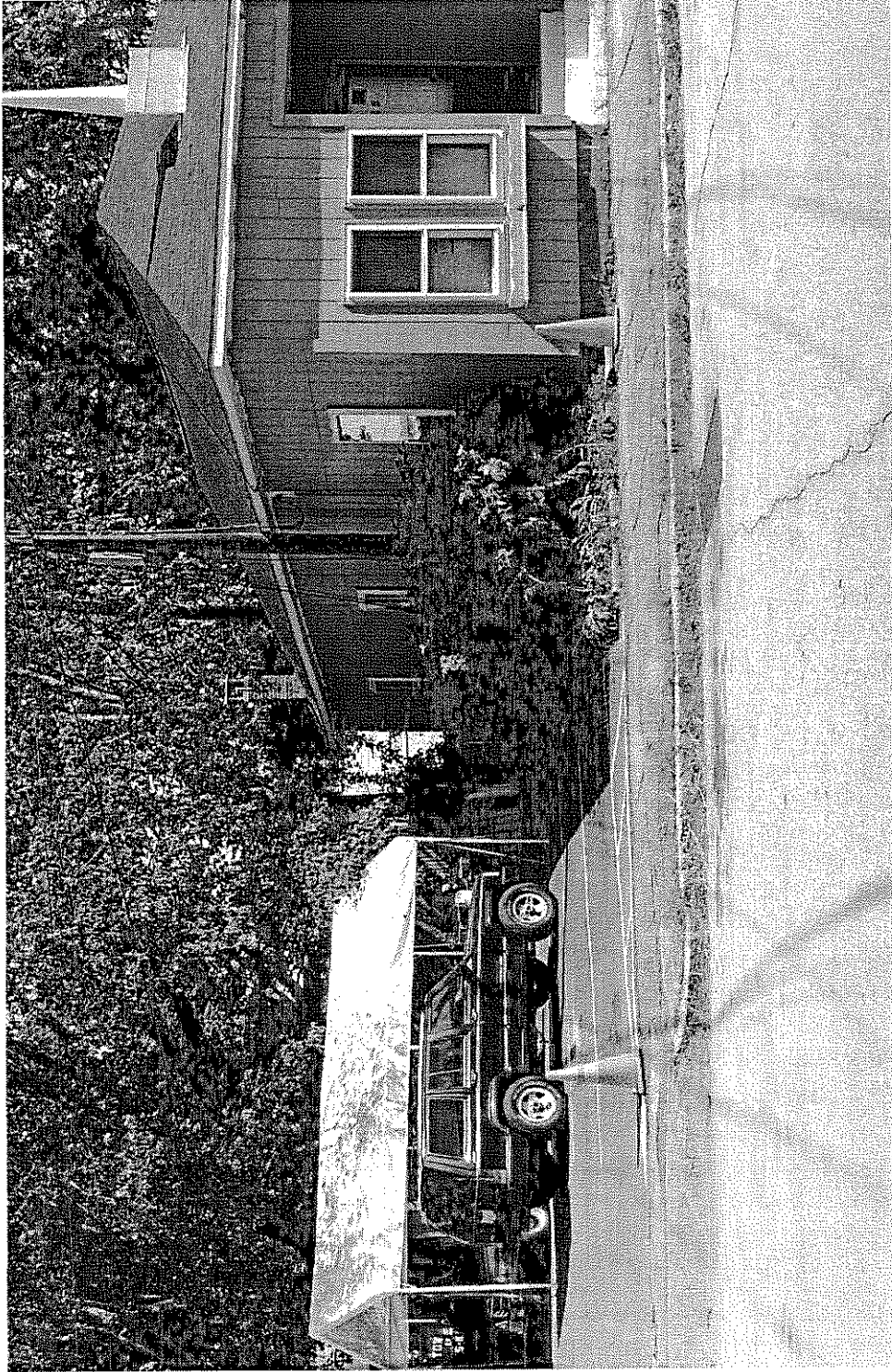
Sincerely,

A handwritten signature in black ink, appearing to read "Frank Thomas". The signature is written in a cursive, flowing style.

Frank Thomas, P.E.
Public Works Director

MJM
cc: File

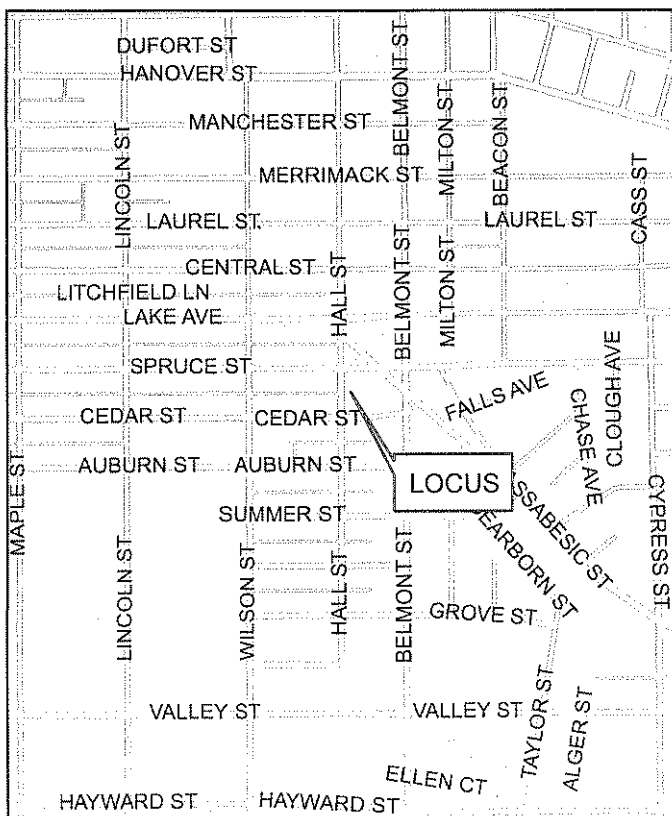
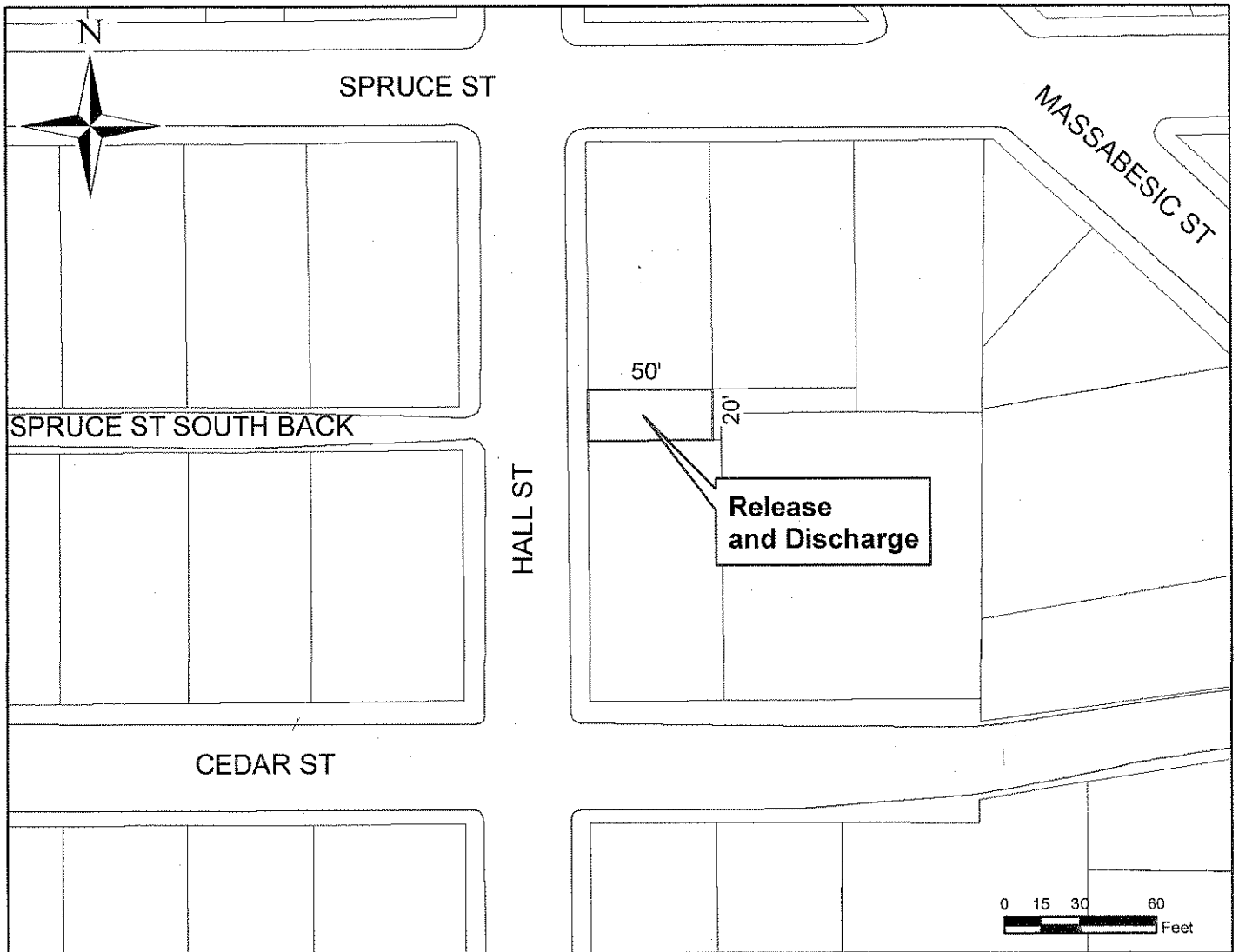
4A



Spruce South Back Street looking easterly from Hall Street

The traffic cones mark the street location 20' wide.

4A



Proposed Street Discontinuance

**Spruce South Back
Hall Street 50' +/- Easterly**



Manchester, NH

September 27, 2005

4B

RECEIVED
MANCHESTER CITY CLERK

'05 AUG 29 A 9:49

Douglas W. Draper
430 Walnut Street
Manchester, NH 03104

August 29, 2005

Community Improvement Committee
% Office of the City Clerk
One City Hall Plaza
Manchester, NH 03101

Re: Petition for Discontinuance

Attn: Paula LeBlond-Kang

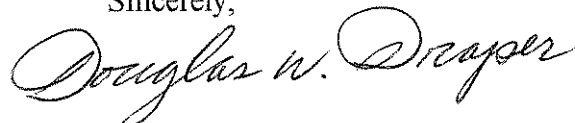
Dear Mrs. LeBlond-Kang:

I am enclosing a current Tax Map of my property at 432-430 Walnut Street, Manchester, NH. The red crosshatched area is the area that I am petitioning the Community Improvement Committee for discontinuance. I want to acquire the rights to this land and I need the Committee to Quiet Title.

My neighbors at 953 Union Street has already acquired 10 feet of this City-owned 20' right-of-way and I want to acquire the other ten feet that abuts my property. Enclosed is also a MEMO ONLY copy of a map entitled, PRIVATE LAND SEWERAGE dated January 24, 1923, page 3702. This map indicates that at that date, the 20' City-owned right-of-way, separating my property at 432-430 Walnut Street and my neighbor's property at 953 Union Street was, in fact, 20' wide at that time. Since that date, it is obvious that at some point in time, between now and then that these same neighbor's acquired ten feet of that passageway.

I am respectfully asking the Committee to allow me the same courtesy of acquiring the other 10' of that passageway which directly abuts my property.

Sincerely,

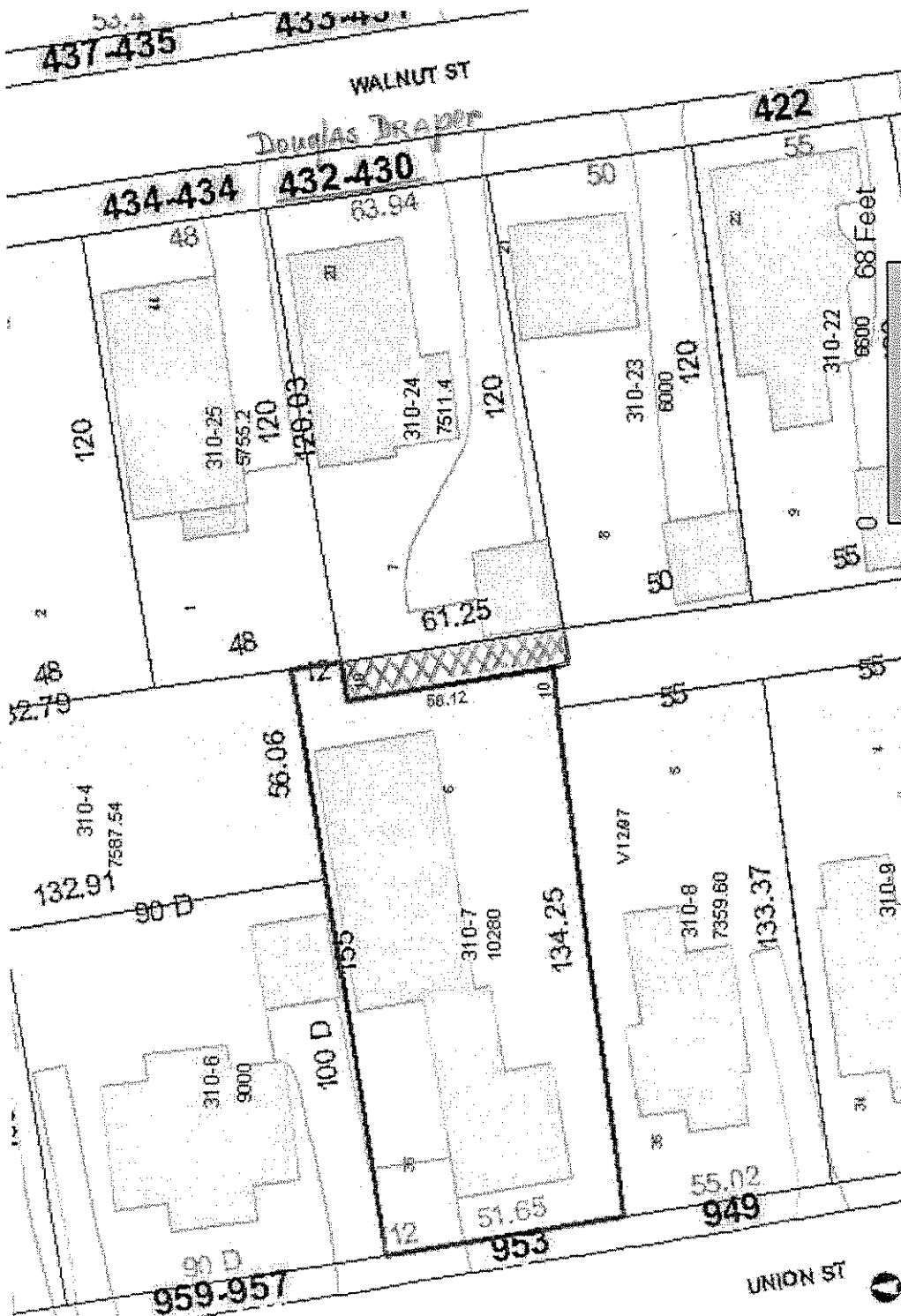


Douglas W. Draper

Current Tax Map

4B

8/26/2005

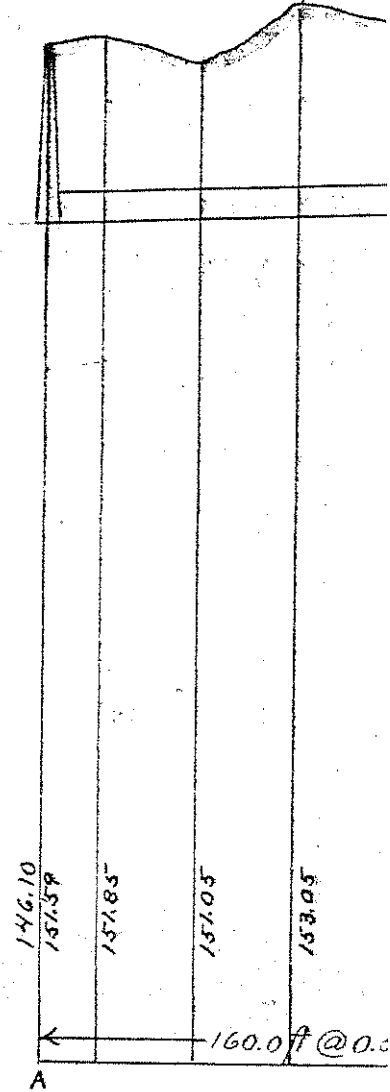
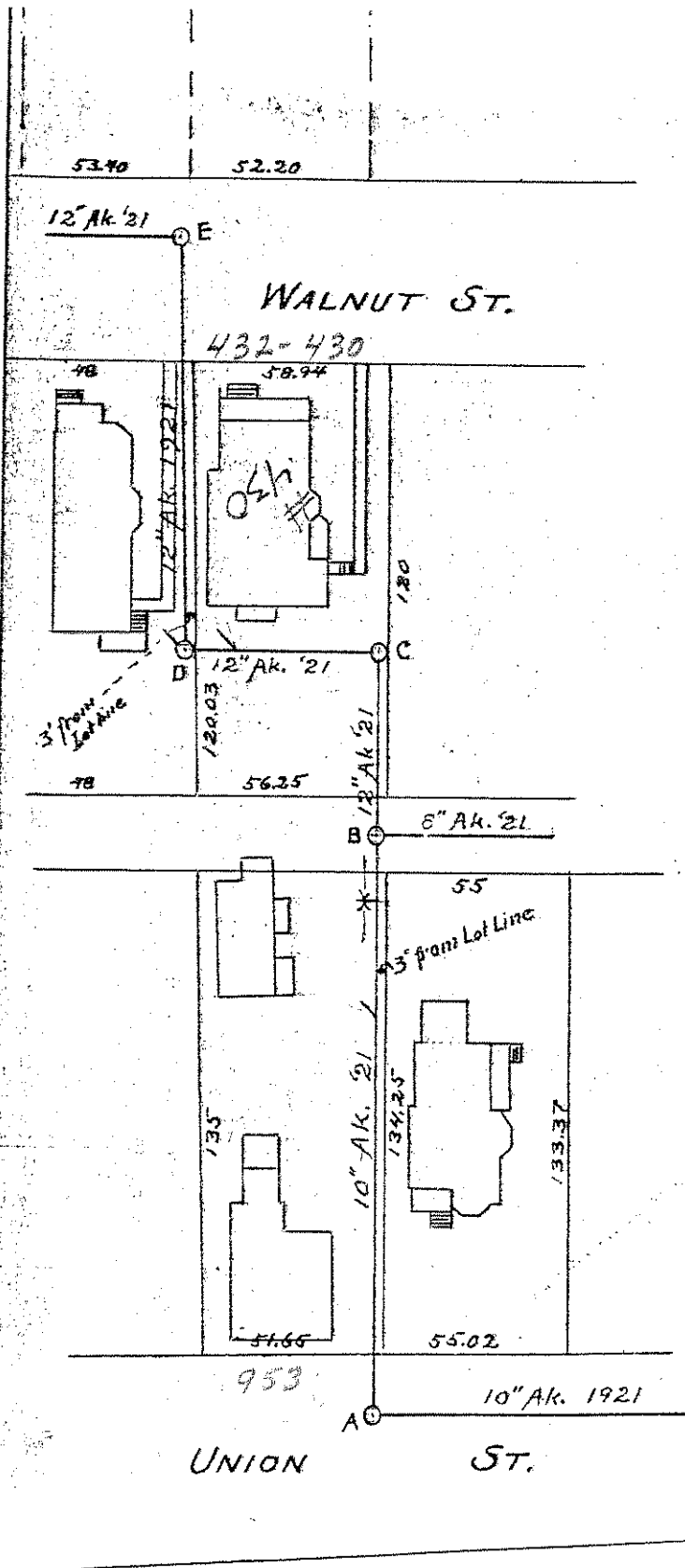


UNION ST

I acquired this map from the Assessor's Department on 8.26.05. (Doug Draper)

<http://ia/giswebsde/MapFrame.htm>

4B



Memo Only



**City of Manchester
Department of Highways**

227 Maple Street
Manchester, New Hampshire 03103-5596
(603) 624-6444 Fax # (603) 624-6487

Commission

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- Chairman
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September 27, 2005

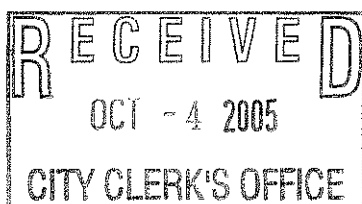
Community Improvement Committee of the Board of Mayor and Aldermen
c/o Leo R. Bernier, City Clerk
One City Hall Plaza
Manchester, New Hampshire 03101

RE: PETITION TO DISCONTINUE A PORTION OF UNION EAST BACK STREET

Dear Committee:

We have reviewed the referenced item and have found the following:

- Union East Back Street was dedicated by a subdivision plan entitled "Land of Mrs. H.C. Lowell" by George H. Allen dated October 13, 1892.
- There are no acceptances or return of layout for Union East Back Street in the records of the City Clerk.
- This portion of Union East Back Street does not appear to have been opened or built for public travel.
- Since the dedication of this street is before 1893, it would need to be released and discharged by the Board of Mayor and Aldermen.
- There is a sewer line crossing a part of the area of the petition also crosses the Draper property. No written easement was found for the sewer line despite having been installed in 1921.



4B

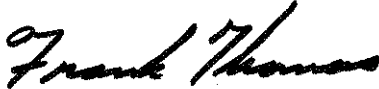
- 2 -

September 28, 2005

The Highway Department supports this petition if provision is made for a 20' sewer-drain easement, centered on the existing pipe, is provided by the owner.

It is our understanding that the release and discharge action does not require a view by the Committee.

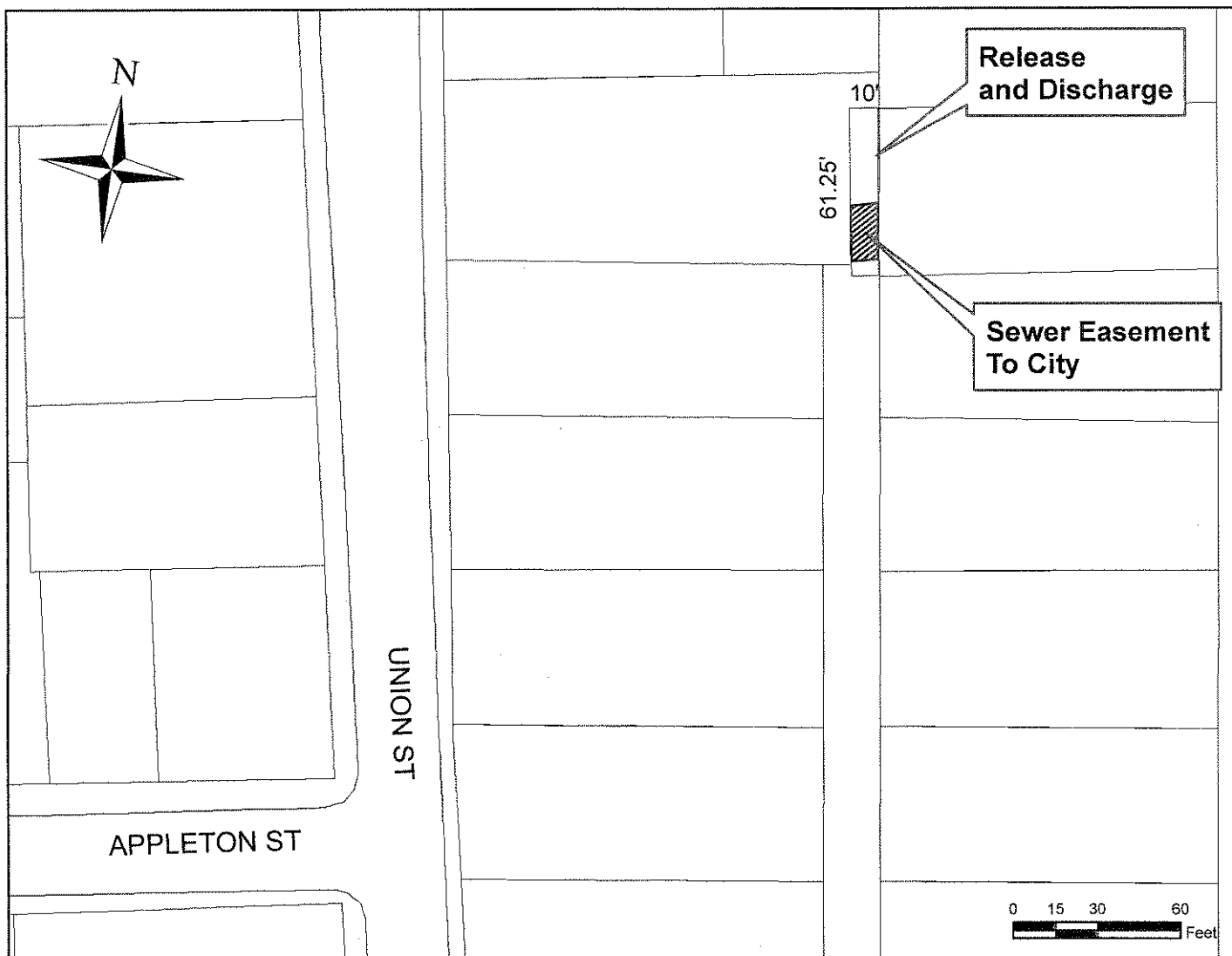
Sincerely,

A handwritten signature in black ink that reads "Frank Thomas". The signature is written in a cursive style with a large, stylized 'F' and 'T'.

Frank Thomas, P.E.
Public Works Director

MJM
cc: File

4B



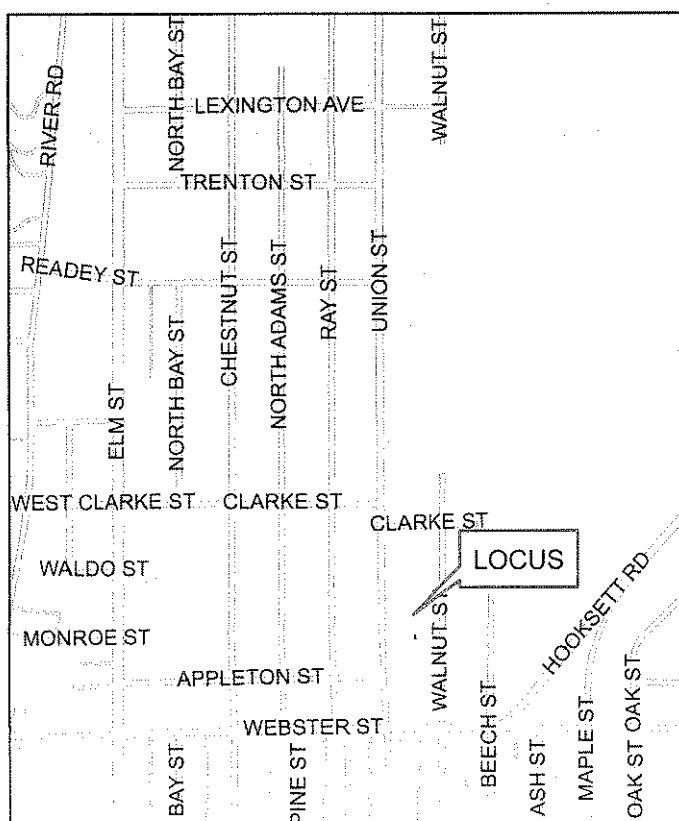
Proposed Street Release and Discharge

**Union East Back
At 430 Walnut Street**



Manchester, NH

November 28, 2005



4B

Douglas W. Draper
430 Walnut Street
Manchester, NH 03104

December 13, 2005

Leo R. Bernier, City Clerk
City of Manchester
One City Hall Plaza
Manchester, NH 03101

Re: Petition for the discontinuance of a portion
of Union East Back Street

Dear Mr. Bernier:

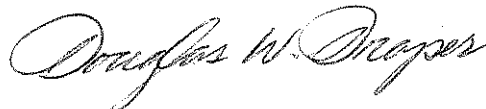
For your reference, I am enclosing a copy of your letter to me dated 11-15-05, along with copies of the enclosures you sent with that letter.

Among your enclosures is a letter addressed to City of Manchester, Department of Highways, dated 9-27-05, written by Frank Thomas, P.E., Public Works Director. On Page 2 of that letter, Mr. Thomas writes, "The Highway Department supports this petition if provision is made for a 20' sewer-drain easement, centered on the existing pipe is provided by the owner."

As I am only seeking to acquire 10' of this Union East Back Street property, I can not provide an easement of 20' because the other 10' has already been acquired by its 953 Union Street abutter. Additionally, since the sewer line runs West to East, the only footage of sewer line, centered on the existing pipe, could only be 10' as it pertains to the property I am seeking to acquire.

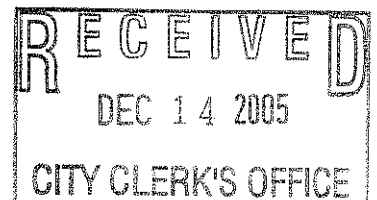
I brought this discrepancy to the attention of Martin Miccio of the Engineering/Highway Department. He indicated that he would write a letter to you correcting this error. I believe the attached map, dated 11-28-05, entitled "Proposed Street Release and Discharge, Union East Back At 430 Walnut Street", is his response. On the map it shows "Sewer Easement to City". Because the sewer easement, as depicted on the map is contained within the property I am seeking to acquire, I am in full agreement that the City has this easement on that property.

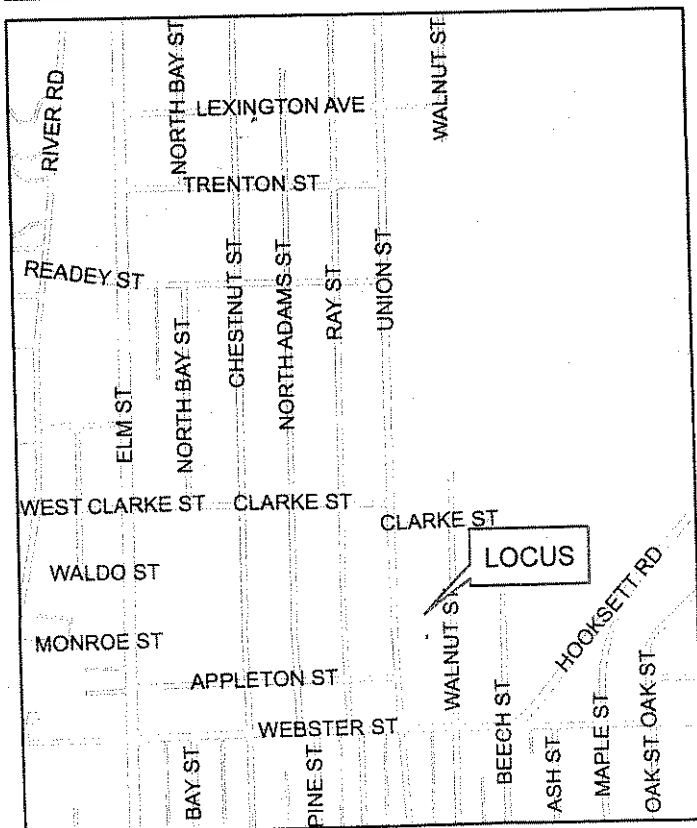
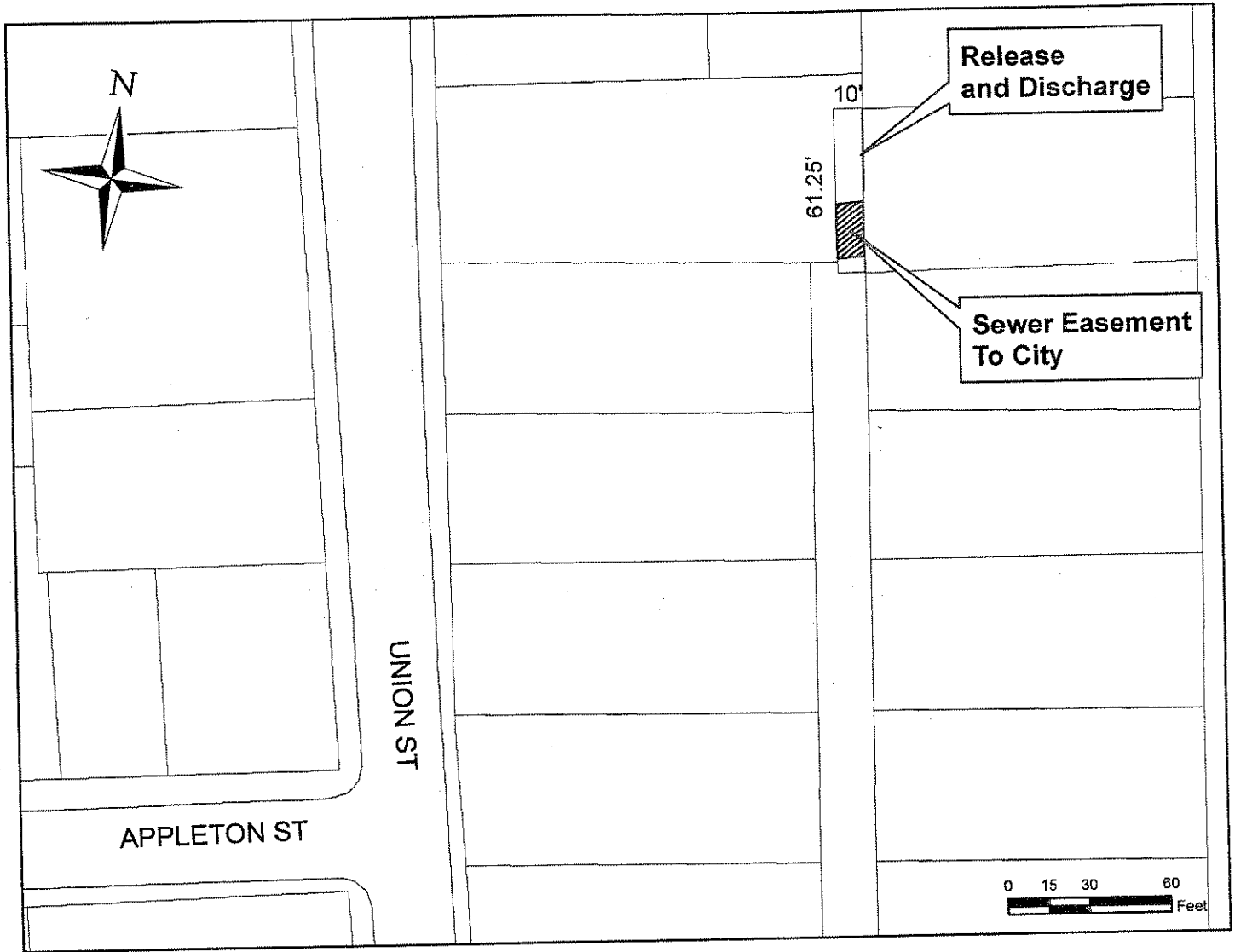
Sincerely,



DOUGLAS W. DRAPER

Re: See Attached Map Dated 11-28-05





Proposed Street Release and Discharge

**Union East Back
At 430 Walnut Street**



Manchester, NH
November 28, 2005